

**C. Indian Country Disregard From the Time Limit**

Effective February 1, 2001

**WAC 388-484-0010 How does the five year (sixty-month) time limit for TANF, SFA and GA-S apply to American Indians or Alaskan Natives living in Indian country?**

- (1) **If you are American Indian or Alaskan Native, time limits on temporary assistance for needy families (TANF), state family assistance (SFA) and general assistance for pregnant women (from May 1, 1999 to July 31, 1999) do not count under certain circumstances.**

If you are an American Indian or Alaskan Native parent or other relative as defined by WAC 388-454-0010, months of cash assistance do not count against the sixty-month lifetime limit if you live in Indian country or an Alaskan Native village where at least fifty percent of Indian adults are not employed.

- (2) **Do time limits on cash assistance apply if I am not an American Indian or Alaskan Native but I am the parent or other relative of an American Indian or Alaskan Native child?**

If you are a non-American Indian or non-Alaskan Native parent or other relative, as defined by WAC 388-454-0010, of an American Indian or Alaskan Native child or children living in a qualifying area of Indian country, your months on assistance will count against your lifetime limit. You may, however, receive more than sixty months of assistance under hardship criteria to be developed by the department.

- (3) **Where must I live to qualify for the Indian country exemption to time limits?**

To qualify for this exemption to TANF time limits, you must live in "Indian country." The department uses the "Indian country" definition in federal law at 18 U.S.C. 1151. Indian country is defined as reservations, dependent Indian communities, and allotments. Dependent Indian communities must be set aside by the federal government for the use of Indians and be under federal superintendence. Near reservation areas (areas or communities adjacent or contiguous to reservations) are not considered Indian country for the purposes of this exemption.

- (4) **Can I live on the reservation or Indian country belonging to a tribe other**

**than my own to qualify for this time limit exemption?**

Yes. You do not need to be an American Indian or Alaskan Native of the same tribe as the reservation or other area of Indian country on which you reside.

**(5) How does the department determine if at least fifty percent of adults living in Indian country are not employed?**

The department uses the most current biennial Indian Service Population and Labor Force Estimates Report published by the Bureau of Indian Affairs (BIA), or any successor report, as the default data source to determine if the not employed rates for areas of Indian country are at least fifty percent.

**(6) What if a tribe disagrees with the not employed rate published in the BIA Indian Service Population and Labor Force Estimates Report?**

A tribe may provide alternative data, based on similar periods to the Indian Service Population and Labor Force Estimates Report, to demonstrate that the not employed rate is at least fifty percent.

## CLARIFYING INFORMATION

1. Federal welfare reform law requires states to exempt American Indians or Alaskan Natives who live in Indian country from the 60-month TANF time limit. This policy recognizes the ties American Indian and Alaskan Native families have to their land and culture and the difficulty in finding employment on their land. The policy also recognizes that these families should not have to leave their reservations or other areas of Indian Country in order to find employment once they have used 60-months of cash assistance.
2. This policy, however, does **not** exempt them from participation requirements. Qualifying recipients must still participate in WorkFirst activities even though a month of cash assistance does not count toward their 60-month clock.
3. All of the following conditions must be met for months **not** to count where cash assistance was received:
  - a. The parent, co-parent, spouse or adult relative caretaker is an American Indian or Alaskan Native,

- b. The parent, co-parent, spouse or adult relative caretaker lives in "Indian Country." "Indian Country" includes all lands within the limits of any reservation, allotment (also known as "trust" land), and dependent Indian communities. Living near reservation areas, or in areas next to reservations, are **not** considered Indian Country, unless they are also allotted land or within a dependent Indian community. There are no dependent Indian communities in Washington at this time.
  - c. The percentage of Indian adults in the area of Indian Country that are not employed is at least 50 percent or greater. (See tables at the end.)
4. The following examples help to clarify this policy:
- a. **An adult non-American Indian/Alaskan Native is caring for American Indian/Alaskan Native children.**

**EXAMPLE 1**

A non-American Indian mother, father or adult caretaker relative with an American Indian child or children lives in a qualifying area of Indian Country. Can the adult non-American Indian get the time limit exemption based on the Indian status of the child(ren)?

No. Time limits are linked only to adults in the family. The adult is the holder of the exemption to time limits. A child's tribal affiliation or Indian status cannot be used to grant an exemption to an adult. **However**, the non-American Indian adult may be eligible for a hardship extension.

**EXAMPLE 2**

A non-Alaskan Native aunt is on the assistance unit with niece who is a teenage parent and her child. Niece is Alaskan Native. Can the adult non-Alaskan Native get the time limit exemption?

No. Since the aunt is not American Indian or Alaskan Native and is not the spouse or co-parent to an American Indian or Alaskan Native, she does not get the exemption. We would count the month the AU receives cash assistance against her 60-month time limit.

- b. **A two-parent family in which one adult is American Indian/Alaskan Native and the other is not.**

**EXAMPLE 1**

If one parent is an American Indian/Alaskan Native and the other parent is not American Indian/Alaskan Native and they live with their children in a qualifying area of Indian Country, are all members of the assistance unit eligible for the exemption based on the Indian status of one parent?

Yes. Time limits and exemptions to time limits apply to a “family that includes an adult.” Thus, if one parent qualifies for the exemption, the exemption also applies to the other parent.

**EXAMPLE 2**

Same scenario as above but the American Indian/Alaskan Native parent moves out of the assistance unit. Can the exemption still apply to the other parent left?

No. Since the assistance unit no longer has an adult American Indian/Alaskan Native, they do not meet the conditions for the exemption.

c. **Members of one Tribe living on lands of another Tribe.**

**EXAMPLE 1**

An American Indian or Alaskan Native lives in a qualifying area of Indian Country that belongs to a Tribe different than their own Tribe. Can the adult still receive the Indian Country exemption?

Yes. The requirement is that American Indians or Alaskan Natives live in a qualifying area of Indian Country. The land does not have to belong to their own Tribe or Alaskan Native Village.

d. **Mailing address different from where they are living.**

**EXAMPLE 1**

An American Indian or Alaskan Native lives in a qualifying area of Indian Country but has a mailing address outside of Indian Country. Can the adult still receive the Indian Country exemption?

Yes. The requirement only applies to where they are living. The exemption is not affected by the mailing address. ACES will read the residential address only.

**EXAMPLE 2**

An American Indian or Alaskan Native lives outside of the qualifying area of Indian Country but has a mailing address on the reservation. Can the adult still receive the Indian Country exemption?

No. The American Indian or Alaskan Native must live in a qualifying area of Indian Country in order to get the exemption.

5. **Automated Tracking of American Indians/Alaskan Natives Living in Indian Country**

Effective September 2001, the process of not counting the months of cash assistance for American Indians /Alaskan Natives living in qualifying Indian country will be automated.

**WORKER RESPONSIBILITIES**

1. Ask clients if they are American Indians or Alaskan Natives. We do not require verification papers because each Tribe has different qualifications for membership or enrollment. If clients choose to report a change and now state that they are American Indians or Alaskan Natives, accept their declaration.  
  
**NOTE:** A client's Indian heritage is totally self-reported.
2. Enter the Race and Native American Tribe fields on the ACES (DEM1) screen.
3. Effective September 2001, the process of not counting the months of cash assistance on the ACES (TICS) screen for American Indians / Alaskan Natives living in qualifying Indian country will be automated.
4. This process of not counting months under the Indian country disregard includes adjusting the count of months from August 1, 1997 to the present.
5. For some clients, ACES will not be able to tell if the client was living in Indian country because the address was not standardized (could not be found), the

client was homeless, used a post office box / rural route address and did not have a residential address, or was in the Address Confidentiality Program. For these clients either:

- a. Ask the client if they live in Indian country. **This applies ONLY to Native American / Alaskan Native clients.** Once the Indian country code is entered, the disregard of months will be automated for future months until the client moves. See the ACES manual for instructions on how to enter the Indian Country Code.
- b. Standardize the address. Once the address is standardized, the disregard of months will be automated for future months until the client moves. See the ACES manual for instructions on how to standardize the address.

**THE 70 ZIP CODES WHICH CONTAIN SOME INDIAN COUNTRY**  
**As of June 30, 2001**

98002	98003	98022	98092	98221	98223	98226
98232	98241	98244	98247	98248	98257	98264
98271	98284	98292	98331	98342	98346	98350
98354	98357	98363	98370	98371	98382	98390
98392	98404	98421	98422	98424	98443	98513
98526	98552	98568	98571	98579	98584	98587
98590	98619	98620	98635	98672	98812	98829
98840	98841	98903	98932	98933	98935	98948
98951	98952	99013	99040	99116	99119	99122
99124	99129	99138	99155	99156	99166	99356

**NOTE:**

- These are the only zip codes which contain Indian Country.
- If the zip code is not on the list, then it does not contain Indian Country.
- Not all land in the listed zip codes is Indian Country. Many zip codes contain a mix of Indian and non-Indian Country.

## 1997 Not Employed Rates – Automated in ACES – Provided For Information Only

<b>"Not employed" rates for Washington Tribes -1997 BIA Labor Force Report Indian country disregard for TANF time limits</b>			
<b>Tribe</b>	<b>% Adults Not Employed</b>	<b>Tribe</b>	<b>% Adults Not Employed</b>
COVERS THE PERIOD FROM AUGUST 1997 THROUGH MAY 2001			
Yakama	86.0	Quinault	57.5
Nooksack	81.2	Shoalwater	56.2
Nisqually	78.4	Port Gamble S'Klallam*	55.9
Quileute	78.0	Makah	54.4
Puyallup	78.0	Chehalis	52.2
Hoh	77.6	Stillaguamish	52.1
Lummi	74.1	Colville	49.1
Sauk-Suiattle	69.6	Suquamish	47.5
Skokomish	69.3	Tulalip	43.7
Upper Skagit	67.4	Jamestown S'Klallam	45.6
Kalispel	66.7	Squaxin Island	39.2
Lower Elwha*	66.1	Swinomish	34.5
Spokane	65.5	Muckleshoot	32.1
<b>Source:</b> 1997 Indian Service Population and Labor Force Estimates Report, and amended data provided by the tribes.			
*Tribe operating Tribal TANF program. Tribe applies exemption for those months under Tribal TANF.			



## 1999 Not Employed Rates – Automated in ACES – Provided For Information Only

<b>“Not employed” rates for Washington Tribes 1999 BIA Labor Force Report Indian country disregard for TANF time limits</b>			
COVERS THE PERIOD FROM JUNE 2001 UNTIL THE NEXT BIA REPORT IS AVAILABLE			
<b>Tribe</b>	<b>% Adults Not Employed</b>	<b>Tribe</b>	<b>% Adults Not Employed</b>
Yakama	79.8	Muckleshoot	52.0
Quileute*	72.7	Port Gamble S’Klallam*	51.6
Hoh	72.4	Stillaguamish	50.7
Puyallup	72.2	Tulalip	49.6
Nisqually	68.2	Quinault	48.8
Lummi	65.2	Makah	46.1
Spokane	64.9	Chehalis	45.9
Skokomish	64.8	Shoalwater	44.4
Nooksak	63.1	Suquamish	42.3
Lower Elwha*	58.7	Jamestown S’Klallam	35.2
Kalispel	57.6	Squaxin Island	32.3
Sauk-Suiattle	57.1	Swinomish	26.8
Upper Skagit	57.0	Colville	21.2
<b>Source:</b> 1999 Indian Service Population and Labor Force Estimates Report.			
*Tribe operating Tribal TANF program. Tribe applies exemption for those months under Tribal TANF.			